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File No. O. Lunacy
Legal Dept.

A **BRANCH**

Subject:—

Opinions under the
Indian Lunacy Act, 1912.

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C O N T E N T S.

Legal Department File No. O. Lunacy /49.

Sr. No.	R.I./O.No.	Subject.	Pages.
		Opinions under the Indian Lunacy Act. 1912.	
1.	O.No. 2239. 25.8.1949.	Section 3(6) Whether it would be legally feasible to empower Resident Magistrates to perform the under the Act.	1-2

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Office of the R.L.A.

In accordance with the definition of the term "magistrate" given in clause (6) of section 3 of the Indian Lunacy Act, 1912, District Magistrates and Sub-Divisional Magistrate do not require any delegation; Magistrates of the First Class have to be "specially" empowered. This provision was advisedly made with a view to ensure that the very responsible work of making reception and detention orders is not entrusted except to First Class Magistrates of standing and experience. It would, therefore, be inadvisable to empower a number of Resident Magistrates, who are nowadays generally new recruits, to perform the functions under the Act. It would suffice to select a senior First Class Magistrate at the Mandi Headquarters town where the Civil Surgeon is also available for verification. Incidentally, it may be pointed out that it would not be legally feasible as suggested by the Surgeon General to empower a Magistrate partially only for the purpose of making detention orders.

Sd/- P.M.Lad.
26-6
Remembrancer of Legal Affairs.

U.R. to H. & L.G.D. No. 2339 dated the 28th February 1948.

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